

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WILMINGTON TRUST, NATIONAL)
ASSOCIATION, AS TRUSTEE FOR THE)
REGISTERED HOLDERS OF WELLS)
FARGO COMMERCIAL MORTGAGE)
SECURITIES, INC., MULTIFAMILY)
MORTGAGE PASS-THROUGH)
CERTIFICATES, SERIES 2019-SB60,)

Plaintiff,)

v.)

7001 S MICHIGAN LLC, an Illinois limited)
liability company; 5253 S PRAIRIE LLC, an)
Illinois limited liability company; 7701 S)
GREEN PROPERTY LLC, an Illinois limited)
liability company; 6952 S CLYDE LLC; an)
Illinois limited liability company; 7646 S)
INGLESIDE LLC, an Illinois limited liability)
company; 7053 S YALE LLC, an Illinois)
limited liability company; 125 E 71st STREET)
LLC, an Illinois limited liability company; 7645)
S EAST END LLC, an Illinois limited liability)
company; 6214 S EBERHART LLC, an Illinois)
limited liability company; and 6957 S)
WABASH PROPERTY LLC, an Illinois)
limited liability company,)

Defendants.)

Case No. 21-cv-06906

Hon. Ronald Guzman

AGREED MOTION TO SUBSTITUTE PLAINTIFF

NOW COMES Wilmington Trust, National Association, as trustee for the registered Holders of Wells Fargo Commercial Mortgage Securities, Inc., Multifamily Mortgage Pass-Through Certificates, Series 2019-SB60 (“**Wilmington Trust**”), by and through its attorneys, Polsinelli PC, and pursuant to Fed. R. Civ. P. 25, and moves this Court for the entry of an order substituting FRESB SB60 Chicago Loan Holdings, LLC (“**Substitute Plaintiff**”) as the plaintiff

and mortgagee in this action in place of Wilmington Trust. In support of said motion, Wilmington Trust states as follows:

RELEVANT BACKGROUND

1. On December 29, 2021, Wilmington Trust, acting in its capacity as trustee, commenced the present action by filing its Complaint for Mortgage Foreclosure (the “**Complaint**”).¹ Dkt. No. 1. The Complaint is comprised of ten (10) counts, *to wit*:

- a. Count I seeks to foreclose Plaintiff’s mortgage lien interest on and security interest in the following property owned by Defendant 7001 S Michigan LLC (the “**Michigan Avenue Mortgage**”): (i) the non-residential real property, and improvements thereon, located at 7001 S. Michigan Avenue, Chicago, Illinois 60637, and (ii) personal property located at or used in connection with said real estate (collectively, the “**Michigan Avenue Property**”). The Michigan Avenue Mortgage serves as security for a loan in the original principal amount of \$2,096,000.00 (the “**Michigan Avenue Loan**”).
- b. Count II seeks to foreclose Plaintiff’s mortgage lien interest on and security interest in the following property owned by Defendant 5253 S Prairie LLC (the “**Prairie Avenue Mortgage**”): (i) the non-residential real property, and improvements thereon, located at 5253 S. Prairie Avenue, Chicago, Illinois 60615, and (ii) personal property located at or used in connection with said real estate (collectively, the “**Prairie Avenue Property**”). The Prairie Avenue Mortgage serves as security

¹ Unless otherwise defined herein, capitalized terms shall have the meanings ascribed to such terms in the Complaint.

for a loan in the original principal amount of \$2,328,000.00 (the “**Prairie Avenue Loan**”).

- c. Count III seeks to foreclose Plaintiff’s mortgage lien interest on and security interest in the following property owned by Defendant 7701 S Green Property LLC (the “**Green Street Mortgage**”): (i) the non-residential real property, and improvements thereon, located at 7701 S. Green Street, Chicago, Illinois 60620, and (ii) personal property located at or used in connection with said real estate (collectively, the “**Green Street Property**”). The Green Street Mortgage serves as security for a loan in the original principal amount of \$1,277,000.00 (the “**Green Street Loan**”).
- d. Count IV seeks to foreclose Plaintiff’s mortgage lien interest on and security interest in the following property owned by Defendant 6952 S Clyde LLC (the “**Clyde Avenue Mortgage**”): (i) the non-residential real property, and improvements thereon, located at 6952 S. Clyde Avenue, Chicago, Illinois 60649, and (ii) personal property located at or used in connection with said real estate (collectively, the “**Clyde Avenue Property**”). The Clyde Avenue Mortgage serves as security for a loan in the original principal amount of \$1,840,000.00 (the “**Clyde Avenue Loan**”).
- e. Count V seeks to foreclose Plaintiff’s mortgage lien interest on and security interest in the following property owned by Defendant 7646 S Ingleside LLC (the “**Ingleside Avenue Mortgage**”): (i) the non-residential real property, and improvements thereon, located at 7646 S. Ingleside Avenue, Chicago, Illinois 60619, and (ii) personal property located at or used in connection with said real

estate (collectively, the “**Ingleside Avenue Property**”). The Ingleside Avenue Mortgage serves as security for a loan in the original principal amount of \$2,000,000.00 (the “**Ingleside Avenue Loan**”).

- f. Count VI seeks to foreclose Plaintiff’s mortgage lien interest on and security interest in the following property owned by Defendant 7053 S Yale LLC (the “**Yale Avenue Mortgage**”): (i) the non-residential real property, and improvements thereon, located at 7053 S. Yale Avenue, Chicago, Illinois 60621, and (ii) personal property located at or used in connection with said real estate (collectively, the “**Yale Avenue Property**”). The Yale Avenue Mortgage serves as security for a loan in the original principal amount of \$1,528,000.00 (the “**Yale Avenue Loan**”).
- g. Count VII seeks to foreclose Plaintiff’s mortgage lien interest on and security interest in the following property owned by Defendant 125 E 71st LLC (the “**71st Street Mortgage**”): (i) the non-residential real property, and improvements thereon, located at 125 E. 71st Street, Chicago, Illinois 60619, and (ii) personal property located at or used in connection with said real estate (collectively, the “**71st Street Property**”). The 71st Street Mortgage serves as security for a loan in the original principal amount of \$880,000.00 (the “**71st Street Loan**”).
- h. Count VIII seeks to foreclose Plaintiff’s mortgage lien interest on and security interest in the following property owned by Defendant 7645 S East End LLC (the “**East End Avenue Mortgage**”): (i) the non-residential real property, and improvements thereon, located at 7645 S. East End Avenue, Chicago, Illinois 60649, and (ii) personal property located at or used in connection with said real estate (collectively, the “**East End Avenue Property**”). The East End Avenue

Mortgage serves as security for a loan in the original principal amount of \$1,896,000.00 (the “**East End Avenue Loan**”).

- i. Count IX seeks to foreclose Plaintiff’s mortgage lien interest on and security interest in the following property owned by Defendant 6214 S Eberhart LLC (the “**Eberhart Avenue Mortgage**”): (i) the non-residential real property, and improvements thereon, located at 6214 S. Eberhart Avenue, Chicago, Illinois 60637, and (ii) personal property located at or used in connection with said real estate (collectively, the “**Eberhart Avenue Property**”). The Eberhart Avenue Mortgage serves as security for a loan in the original principal amount of \$2,288,000.00 (the “**Eberhart Avenue Loan**”).
- j. Count X seeks to foreclose Plaintiff’s mortgage lien interest on and security interest in the following property owned by Defendant 6957 S Wabash Property LLC (the “**Wabash Avenue Mortgage**”): (i) the non-residential real property, and improvements thereon, located at 6957 S. Wabash Avenue, Chicago, Illinois 60637, and (ii) personal property located at or used in connection with said real estate (collectively, the “**Wabash Avenue Property**,” and together with the Michigan Avenue Property, Prairie Avenue Property, Green Street Property, Clyde Avenue Property, Ingleside Avenue Property, Yale Avenue Property, 71st Street Property, East End Avenue Property, and Eberhart Avenue Property, the “**Properties**”). The Wabash Avenue Mortgage serves as security for a loan in the original principal amount of \$1,432,000.00 (the “**Wabash Avenue Loan**,” and collectively with the Michigan Avenue Loan, Prairie Avenue Loan, Green Street

Loan, Clyde Avenue Loan, Ingleside Avenue Loan, Yale Avenue Loan, 71st Street Loan, East End Avenue Loan, and Eberhart Avenue Loan, the “**Loans**”).

2. On August 25, 2022, this Court entered an Agreed Judgment of Foreclosure and Sale in favor of Wilmington Trust on all counts of the Complaint (the “**Judgment**”). Dkt. No. 74.

3. On October 12, 2022, Wilmington Trust assigned to Substitute Plaintiff its rights in and to the Loans as well as all documents, instruments, and agreements executed in connection with, evidencing, or securing repayment of the Loans, as heretofore modified, ratified, and confirmed. As evidence of this assignment, Wilmington Trust filed an Assignment of Judgment of Foreclosure and Sale in this action. Dkt. No. 101.

ARGUMENT

4. Federal Rule of Civil Procedure 25 provides in relevant part that “[i]f an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined with the original party...” Fed. R. Civ. P. 25(c).

5. As set forth above, Substitute Plaintiff holds all of Wilmington Trust’s interest in this action. Accordingly, Substitute Plaintiff is now the proper party-plaintiff and should be substituted in place of Wilmington Trust in this action.

6. Substitute Plaintiff agrees that it is the proper plaintiff in this case, and Polsinelli PC does, and will continue to, act as Substitute Plaintiff’s counsel in this matter.

7. Defendants’ counsel has advised that they do not object to the relief sought herein.

WHEREFORE, Wilmington Trust respectfully requests the following relief in substantially the form of the proposed order attached hereto as **Exhibit A**: (1) substitution of Substitute Plaintiff as the plaintiff and mortgagee in this action in place of Wilmington Trust; and

(2) such further and additional relief as this Court deems just and appropriate.

Dated: October 13, 2022

Nathan Grzegorek (ARDC No. 6306078)
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Respectfully submitted,

WILMINGTON TRUST, NATIONAL
ASSOCIATION, AS TRUSTEE FOR THE
REGISTERED HOLDERS OF WELLS FARGO
COMMERCIAL MORTGAGE SECURITIES, INC.,
MULTIFAMILY MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2019-SB60

By: /s/ Aaron Jackson
One of Its Attorneys

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SECURITIES, INC., MULTIFAMILY)
MORTGAGE PASS-THROUGH)
CERTIFICATES, SERIES 2019-SB60,)

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Defendants.)

Case No. 21-cv-06906

Hon. Ronald Guzman

CERTIFICATE OF SERVICE

Nathan B. Grzegorek, an attorney, deposes and states that he served the above and foregoing **Agreed Motion to Substitute Plaintiff**, together with any exhibits thereto, upon the persons identified on the Service List, by filing same with the Clerk of the Court using the CM/ECF system, on or before 5:00 p.m. on October 13, 2022.

/s/ Nathan B. Grzegorek

SERVICE LIST

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LLC, 6952 S Clyde LLC, 7646 S Ingleside
LLC, 7053 S Yale LLC, 125 E 71st LLC, 7645
S East End LLC, 6214 S Eberhart LLC, and
6957 S Wabash Property LLC*

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*Counsel for M. Shapiro Management
Company, LLC, as court-appointed receiver*

**IN THE UNITED STATES DISTRICT COURT
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MORTGAGE PASS-THROUGH)
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Defendants.)

Case No. 21-cv-06906

Hon. Ronald Guzman

AGREED ORDER SUBSTITUTING PLAINTIFF

This matter having come before the Court on the Agreed Motion to Substitute Plaintiff (the “**Motion**”) filed by Wilmington Trust, National Association, as trustee for the registered Holders of Wells Fargo Commercial Mortgage Securities, Inc., Multifamily Mortgage Pass-Through Certificates, Series 2019-SB60, all parties with notice, the Court with jurisdiction and being advised in the premises;

IT IS HEREBY ORDERED:

1. The Motion is GRANTED as set forth herein.
2. FRESB SB60 Chicago Loan Holdings, LLC is hereby substituted as plaintiff and mortgagee in this action in place of Wilmington Trust, National Association, as trustee for the registered Holders of Wells Fargo Commercial Mortgage Securities, Inc., Multifamily Mortgage Pass-Through Certificates, Series 2019-SB60, *instantly*.
3. The caption of this proceeding is hereby revised, as follows:

**IN THE UNITED STATES DISTRICT COURT
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FRESB SB60 CHICAGO LOAN HOLDINGS,)
LLC,)

Plaintiff,)

v.)

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Defendants.)

Case No. 21-cv-06906

Hon. Ronald Guzman

ENTER:

Dated: _____

Ronald A. Guzman
United States District Judge

Drafted by:

Nathan B. Grzegorek (ARDC No. 6306078)

Aaron C. Jackson (admitted *pro hac vice*)

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